

Personal injury / damage to life and its indemnification

Abstract

This rigorous thesis deals with compensation for pecuniary and non-pecuniary harm to health or life and its indemnification, while focusing mainly on compensation under the Act No. 89/2012 Sb., The Civil Code.

The thesis starts with the historical excursion and the basic assumptions of liability for tort and continues through the description and evaluation of pecuniary and non-pecuniary damage's legislation to health or life in the Civil Code. It includes detailed analysis of individual claims, such as purpose fullcosts with health care, personal care costs of victims and theirs household, funeral costs or costs of maintenance for the survivors, as well as the evaluation of the legal regulation of pecuniary and non-pecuniary harm in the Labor Code and its comparison to the regulation in the Civil Code. This is always accompanied by the decision-making practice of the courts.

The thesis is focused mainly on the compensation for pain and deteriorated social position, other pecuniary and non-pecuniary claims of the victim resulting from personal injury and compensation for the claims of person who are close to the victims and the concept of secondary victims and their compensation.

The Decree No. 440/2001 Sb., Methodology for compensation non-pecuniary harm to health, government decree, which will determine the amount of pain and deteriorated social position use in labor relations is evaluated in more detail.

In the rest of the thesis other connected aspects arising from the topic are being described, such as regression claim of the health insurance companies; passage of a right of victim on heir; subjective and objective length to limitation period and the possibility to agree on another length of limitation period including the commencement of a limitation period; selected procedural aspects; institute of mediation and agreement on out-of-court negotiations between the victim and offender; adhesion proceedings, its concept and claims of pecuniary and non-pecuniary harm, criminal liability of a legal person; some speciality of criminal liability in health care; selected tax aspects and prohibition of set-off of claim; and legal and contractual insurance.

Key words: pecuniary harm, non-pecuniary harm, secondary victims